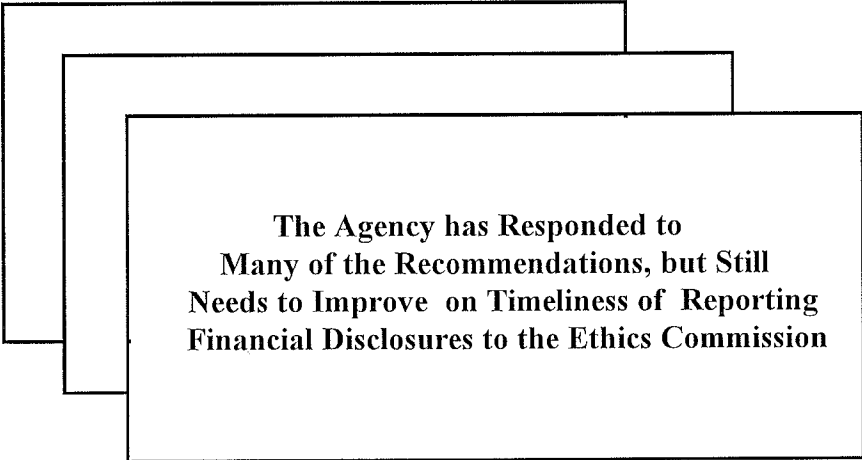


**STATE OF WEST VIRGINIA**

**UPDATE OF  
PRELIMINARY PERFORMANCE  
REVIEW OF THE**

**BOARD OF EXAMINERS IN COUNSELING**



**The Agency has Responded to  
Many of the Recommendations, but Still  
Needs to Improve on Timeliness of Reporting  
Financial Disclosures to the Ethics Commission**

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**OFFICE OF LEGISLATIVE AUDITOR  
Performance Evaluation & Research Division  
Building 5, Room 751  
State Capitol Complex  
CHARLESTON, WEST VIRGINIA 25305  
(304) 347-4890**

PE 96-27-68

# JOINT COMMITTEE ON GOVERNMENT OPERATIONS

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Antonio E. Jones, Ph.D., Director  
Performance Evaluation and Research Division

John Sylvia, Research Manager  
Patrick Cadle, Research Analyst

February, 1997

**WEST VIRGINIA LEGISLATURE**  
*Performance Evaluation and Research Division*

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1900 Kanawha Boulevard, East  
Charleston, West Virginia 25305-0592  
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Antonio E. Jones, Ph.D.  
Director

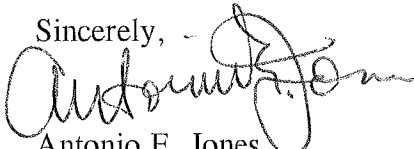
February 9, 1997

The Honorable Edwin J. Bowman  
State Senate  
Building 1, Room 231-WW  
1900 Kanawha Boulevard, East  
Charleston, West Virginia 25305

The Honorable Joe Martin  
House of Delegates  
Building 1, Room 213E  
1900 Kanawha Boulevard, East  
Charleston, West Virginia 25305

Gentlemen:

Pursuant to the West Virginia Sunset Law, we are transmitting an Update of the Board of Examiners in Counseling, which will be reported to the Joint Committee on Government Operations on Sunday, February 9, 1997. The issue covered herein is "The Agency has Responded to Many of the Recommendations, but Still Needs to Improve on Timeliness of Reporting Financial Disclosures to the Ethics Commission."

Sincerely, -  
  
Antonio E. Jones

AEJ/wsc

Enclosure



In 1995 the PERD conducted a performance review of the West Virginia Board of Examiners in Counseling. The results of the review were reported to the Joint Committee on Government Operations at the July 1995 interim meeting. The function of the BOEC is to regulate the profession of counseling. The 1995 review resulted in the following four issue areas.

1. The BOEC's staffing arrangement is ineffective in carrying out the mission and mandates of the Board.
2. There have been a number of inappropriate operating procedures due to poor internal controls.
3. The current fee structure contains excessive "Name Change" and License Replacement fees.
4. Several members of the BOEC have failed to submit their 1994 financial disclosure statements to the WV Ethics Commission.

The second issue area relating to inappropriate operating procedures was resolved in an executive session at the July 1995 meeting. This report addresses the level of compliance by the Board with the original recommendations concerning the other three issues.

This update uses the following designations of compliance with recommendations.

<b>Levels of Compliance</b>
In Compliance - The Agency has corrected the problems identified in the final draft of the audit report.
Partial Compliance - The Agency has partially corrected the problems identified in the final draft of the audit report.
Planned Compliance - The Agency has not corrected the problem but has provided sufficient documentary evidence to find that the agency will do so in the future.
In Dispute - The Agency does not agree with either the problem identified or the proposed solution.
Non-Compliance - The Agency has not corrected the problem identified in the final draft of the audit report.

**On the whole, the Board has complied with or intends to comply with most of the recommendations.** However, the issue concerning the financial disclosures is still a problem for the Board, and will be monitored by PERD. PERD recommends that the Legislature continue the BOEC for one year to allow further follow-up to be conducted on the recommendations that are still not in full compliance.



**ISSUE AREA 1:     The BOEC's staffing arrangement is ineffective in carrying out the mission and mandates of the board.**

**Recommendation 1**

*The Board of Examiners in Counseling should hire a part-time or full-time staff person to assist the Board in carrying out its mandatory duties.*

Level of Compliance: **In Compliance**

The Board hired a part-time Program Specialist in February 1996. The first individual to fill this position resigned in August 1996 and was replaced by the current Program Specialist the same month. The duties of this position include handling phone calls and correspondence, mailing application packages and preparing applicant files for committee review, maintaining records and various office related activities.

---

**Recommendation 2**

*The Board of Examiners in Counseling should make another attempt to share office space with another state board. The Board should report to the Joint Committee on Government Operations no later than November 1995 with details of what boards were contacted and the written response by each board contacted.*

Level of Compliance: **In Compliance**

Effective December 1, 1995, the Board entered into an agreement with the WV Graduate College for office space. A copy of this agreement is attached.

---

**Recommendation 3**

*The Board of Examiners in Counseling should follow the procedure of securing the costs of a hearing in advance of the hearings by having the individual demanding the hearing provide reasonable security as allowed under WVC §30-31-10(b).*

Level of Compliance: **Planned Compliance**

The Board will meet in January of 1997 to discuss methods of adopting this procedure.

---

**Recommendation 4**

*The Board of Examiners in Counseling should submit all necessary information to the Senate Clerk for placement in the West Virginia Blue Book, and have its telephone number listed in West Virginia telephone directories.*

Level of Compliance: **Partial Compliance**

The Board will have a telephone number listed in the Blue Government Pages of the 1997 Bell Atlantic telephone directory. The Board contacted the Senate Clerk's Office too late for inclusion in the upcoming edition of the Blue Book.

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**ISSUE AREA 2: There have been a number of inappropriate operating procedures due to poor internal controls.**

Recommendations 5 through 8 were addressed and resolved in executive session of the Joint Committee on Government Operations in the July 1995 meeting.

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**ISSUE AREA 3: The current fee structure contains excessive "name change" and license replacement fees.**

**Recommendation 9**

*The PERD recommends the BOEC reduce the name change fee to five dollars. The PERD also recommends that the BOEC reduce their license replacement fee to ten dollars.*

Level of Compliance: **Planned Compliance**

This recommendation requires legislative action in the upcoming session. The Board will prepare such legislation at the January meeting.

---

**ISSUE AREA 4: Several members of the BOEC have failed to submit their 1994 financial disclosure statements to the WV Ethics Commission.**

**Recommendation 10**

*The PERD recommends that members of the BOEC submit their financial disclosure forms as required by law.*

Level of Compliance: **Partial Compliance**

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Subsequent to the July 1995 release of the findings of the original audit, all 1994 financial disclosure documents were filed. However, this continues to be a problem for the Board. The Ethics Commission should receive all disclosures by February 1 of each year. Of the disclosures that were due in February 1996, two were still outstanding as of January 6, 1997. **This is eleven months beyond the due date.**

The Board has stated that the disclosures that will be due on February 1, 1997 will be on time. PERD will follow up by contacting the Ethics Commission in February to monitor this.



## **Appendix A**

### **MEMORANDUM OF UNDERSTANDING**



# MEMORANDUM OF UNDERSTANDING

This agreement is entered into at South Charleston, West Virginia, as of 1 December 1995, by the West Virginia Graduate College, hereinafter called the College, and the West Virginia Board of Examiners in Counseling, hereinafter called the Board. Whereas the College and the Board desire to enter into an agreement pursuant to the aims and objectives of the West Virginia Board of Examiners in Counseling and the counseling profession:

## Section 1: Duration

This agreement shall continue in force until terminated at any time by mutual written agreement or terminated by one party giving the other party twelve months' written notice prior to July 1 of the academic year for which the memorandum is applicable.

## Section 2: Board Obligations

It is agreed that the Board will support the state office through a subvention derived from the annual membership dues established by the Legislature. This subvention shall be used for:

- Program manager.
- Board meetings and travel.
- Board office operations.
- Toll free telephone access.

Section 3: Co-Sponsor's Obligations

It is agreed that the College will support the West Virginia Board of Examiners in Counseling through contributions of the following human and material sources:

1. Office space and office equipment for the program manager.
2. Local telephone, facsimile, and communication services.
3. Support from the College Business Affairs Office.
4. Data management support.
5. Space for Board meetings.

Section 4: Board Obligations

It is agreed that the Board will abide by the applicable policies of the College.

For the College:

Dennis P. Prisk  
By

President  
Title

November 27, 1995  
Date

For the West Virginia Board  
of Examiners in Counseling:

William E. Ingle  
By

President  
Title

November 28, 1995  
Date

## **Appendix B**

### **AGENCY'S RESPONSE**





## *West Virginia Board of Examiners in Counseling*

at West Virginia Graduate College  
100 Angus E. Peyton Drive • South Charleston, WV 25303-1600  
(304) 746-2512 • 1-800-520-3852 • FAX: (304) 746-1942

January 31, 1997

Dear Mr. Silva,

The Board of Examiners in Counseling would like to offer additional information for your latest report.

Issue Area 1: Recommendation 3 - During the January 23, 1997 Board meeting, a motion was made and seconded - that a licensed Professional Counselor whose license has been revoked, suspended, or appended, who is entitled to a Board hearing as a result of this action, be required to post a bond of \$10,000.00 prior to the hearing in order to meet the expenses of the hearing should the counselor not prevail at the hearing.

Issue Area 3: Recommendation 9 - The Board discussed the recommendation of PERD and at the earliest opportunity will adopt the recommendation of reducing the name change fee to five dollars and the license replacement fee to ten dollars.

Issue Area 4: Recommendation 10 - The outstanding 1994 financial disclosure statements were filed. The two outstanding forms for 1995 have also been filed. Since all the forms at the Ethics Commission are not due till Feb. 1997 and they have not entered all the ones they have received, I can not verify through them that they have received all of the forms for 1996. However, I canvassed all of our members and we are in 100% compliance.

Sincerely,



William Mullett  
Chair, Board of Examiners in Counseling

Board Members

John Charonko • Jeffrey Messing • Arthur Slonaker • Gerald Wilhelm • Annette Zavareci  
William Mullett, *Chairman* • Patricia Posey, *Secretary*

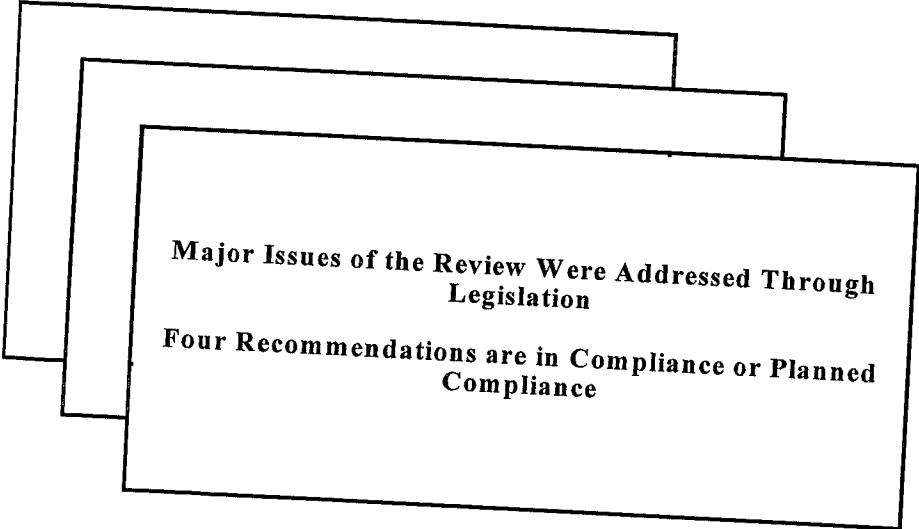




**STATE OF WEST VIRGINIA**

**UPDATE OF THE  
PRELIMINARY PERFORMANCE  
REVIEW OF THE**

**BOARD OF INVESTMENTS**



**Major Issues of the Review Were Addressed Through  
Legislation**

**Four Recommendations are in Compliance or Planned  
Compliance**

**OFFICE OF LEGISLATIVE AUDITOR  
Performance Evaluation and Research Division  
Building 5, Room 751  
State Capitol Complex**

**CHARLESTON, WEST VIRGINIA 25305**

**(304) 347-4890**